



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,913	12/28/2001	Katsuji Ikeda	Q67871	2811

7590 09/07/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

LUU, MATTHEW

ART UNIT	PAPER NUMBER
----------	--------------

2676

DATE MAILED: 09/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/028,913	Applicant(s) IKEDA, KATSUJI	
	Examiner LUU MATTHEW	Art Unit 2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-8 and 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4-8, 11, 17, 18 and 20 is/are rejected.
- 7) ☒ Claim(s) 12-16 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person **shall be entitled to a patent unless —**

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmer (US 5,684,715).

3. Regarding claim 4, Palmer discloses an interactive video system comprising: An internet moving image linking system (lines 51-67 of column 1) comprising; a user terminal (lines 43-47 of column 3); a server (lines 61-63 of column 3; while claim recites server, it is well known in the art that network-based systems utilize server and clients relationship);

a moving image distributor for distributing a moving image to said user terminal (lines 50-54 of column 2 and lines 38-63 of column 3; playback apparatus corresponds to moving image distributor);

an image detector for detecting, based on point time information transmitted from said user specific portion of an image designated by said user based on point coordinate information transmitted from said user terminal and based on said static image detected by said image detector (lines 50-61 of column 2, lines 59-66 of column 4, line 56 of column 5 to line 48 of column 6 and line 35 of column 7 to line 37 of column 8 and Fig. 3-5; the frame which user clicks on corresponds to the static image, and in Fig. 5, the interactive video apparatus functions as an image detector by intercepting the cursor selection on the frame. And it also functions as an image recognizer by matching the selected objects to the video object descriptors based on objects positions and frame number).

4. Regarding claim 17, Palmer discloses an interactive video system comprising: wherein the specified portion of the image is a moving object in the image (15-59 of column 7 and Fig. 3-5).

5.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to

be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US 5,684,71.5) as applied to claim 4 above, and further in view of Astiz et al. (US 5,918,012; refer to as Astiz herein).

Regarding claim 5, Palmer does not disclose link point storage, detector and comparator. Astiz disclose a hyperlinking time-based data files system comprising:

Server comprises: a link point storage for storing link point information (lines 6-19 of column 8; the video map contains the link point information);

a link point detector for detecting a link point at a point time based on point time information and link point information transmitted from said user terminal (lines 6-19 of column 8; the server includes means of spotting the link point (coordinate data on the map) based on the time coordinate and point coordinate clicked by user, thus functions as a link point detector);

and a link point comparator for comparing the coordinate of an image recognized by said image recognizer with the coordinate of a link point detected by said link point detector (lines 36-52 of column 10; the server includes means of comparing the spot (coordinates of the image objects on the frame image recognized based on the point coordinate information) with the link point detected based on time coordinate and point coordinate clicked by user, thus functions as a link point comparator).

It would have been obvious to one of ordinary skill in the art to utilize the teaching of Astiz to provide an simple and easy way to present user a video data that is interactive without other additional software application on the interface browser (lines 14-67 of column 4 of Astiz). Also, both Astiz and Palmer are directed to an interactive video system. By utilizing the teaching of Astiz would allow Palmer to have a better way to present user with interactive hyperlink-related information (lines 51-67 of column 1 of Palmer).

8. Regarding claims 6-7, Palmer discloses an interactive video system comprising:

A point designator for designating a specific point within a moving

Art Unit: 2676

image (lines 14-27

of column 7 and Fig. 1 -2 and 5; the interactive video apparatus captures the cursor

position on the frame designated);

A point coordinate information transmitter for transmitting point coordinate information designated by said point designator to said server; a point time information transmitter for transmitting point time information regarding a point designated by said point designator, to said server (lines 61-63 of column 3, lines 51-66 of column 4 and lines 15-63 of column 7 and Fig. 1-2 and 5; the interactive video application program is responsible for capturing the cursor position on the frame number which can be considered as point time information since frames are displayed in time-based sequence, and the video object descriptors which can be network-based (server) would use the point information for recognizing objects);

Palmer does not disclose a moving image reproducer for reproducing a moving image distributed from said server and server comprises means for transmitting, when said link point comparator issues a coincident result, related information to said user terminal.

Art Unit: 2676

Astiz disclose a hyperlinking time-based data files system utilizing the method (lines 18-24 and lines 33-56 of column 6 and lines 49-59 of column 10 and Fig. 4; the user terminal utilize the browser to request downloading the video data file from the server is functioning as reproducing the moving images from the server). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Astiz to provide an simple and easy way to present user a video data that is interactive without other additional software application on the interface browser (lines 14-67 of column 4 of Astiz). Also, both Astiz and Palmer are directed to an interactive video system. By utilizing the teaching of Astiz would allow Palmer to have a better way to present user with interactive hyperlink-related information (lines 51-67 of column 1 of Palmer).

9. Regarding claim 8, Palmer does not disclose server comprises means for continuing, when said link point comparator does not issue a coincident result, to reproduce a moving image by said user terminal. Astiz disclose a hyperlinking time-based data files system utilizing the method (lines 34-40 of column 11 and lines 48-49 of column 12; the user will be able to choose to continue to play the

video which is to reproduce moving image from the server to the user browser and in the case of no coincident result, a default page will also be displayed). It would have been obvious to one of ordinary skill in the art to utilize the teaching of Astiz to provide an simple and easy way to present user a video data that is interactive without other additional software application on the interface browser (lines 14-67 of column 4 of Astiz). Also, both Astiz and Palmer are directed to an interactive video system. By utilizing the teaching of Astiz would allow Palmer to have a better way to present user with interactive hyperlink-related information (lines 51-67 of column 1 of Palmer).

10. Claims 11, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmer (US 5,684,715).

11. Regarding claim 11, Palmer discloses an interactive video system comprising:

wherein the user terminal comprises a point time transmitter for transmitting said point time information and a point coordinate transmitter for transmitting said point coordinate information, wherein

said point time information is transmitted separately from said point coordinate information (lines 51-66 of column 4 and line 15 of column 7 to line 37 of column 8; it is noted that the when user clicks on the video, a frame with frame number is first obtained, the frame number corresponds to time since frames are displayed in time-based sequence. And based on the cursor position (point coordinate), the objects are then being obtained). Palmer does not specifically disclose two transmitters and that the point time information and point coordinate information are transmitted separately. However, it would have been a designer's choice to modify Palmer by having two transmitters and the information being transmitted separately since the information are used to obtain two different data,, one for frame and one for object. Since applicant has not disclose that having two transmitters solves any stated problem and it appears that the system would perform equally well with one transmitter.

12. Regarding claims 18 and 20, note the rejection as set forth above with respect to claim 4. Palmer further teaches "control based on selection of static areas in a display screen" (Column 1,

Art Unit: 2676

lines 38-39). Thus, it would have been obvious to the person of ordinary skill to recognize that the user can designate the specific portion of the image and the image detector can detect only the static image in a display screen as mentioned above.

Allowable Subject Matter

Claims 12-16 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed June 15, 2005 have been fully considered but they are not persuasive.

The Applicant argues, at page 7, by asserting that Palmer (5,684,715) does not disclose the recited limitation "an image detector for detecting a static image at a corresponding time based on point time information transmitted from said user terminal". The examiner respectfully disagrees.

Palmer clear teaches

"Specifically, an operator's interaction with and control of such video sequences has largely been limited to external interactive control, such as to

Art Unit: 2676

play, stop, pause, fast-forward, reverse, etc, or to control based on selection of static areas in a display screen." (Column 1, lines 36-40)

Palmer further teaches

"Each frame contains a variety of objects, such as objects 54 through 59. Some of the objects, such as objects 54, 55, 56 and 59, are static objects, meaning that their position relative to the frame does not change from frame to frame." (Column 4, lines 40-44). And "Attribute part 62 includes spatial information, temporal information, and action information." (Column 4, lines 53-55)

Palmer further teaches

"In Fig. 5, an event interpreter is used to coordinate playout of successive frames of video information from the video source synchronously with playout of a file of video object descriptors, to extract lists of active video objects as well as an action map for actions which are taken when those video objects are selected, to determine when a user has selected a video object corresponding to an active video object by matching current cursor position on a display against the list of active objects, and to initiate execution of an associated action when a match is found."

For the reasons as mentioned above, it is inherent that when a user selects a static object image on the display screen, the cursor coordinates (x, y) will be detected. And the "initial time" when the user clicks the mouse will also be

Art Unit: 2676

detected to "initiate execution" which corresponds to the claimed "based on point time information".

In response to applicant's argument that Astiz (5,918,012) can not be combined with Palmer, since "Astiz relates to a network data processing system (an internet system), whereas Palmer relates to a video system (a TV system)" (page 13), the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

The rejection of claims 12-16 has been withdrawn.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory

Art Unit: 2676

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUU MATTHEW whose telephone number is (571) 272-7663. The examiner can normally be reached on Flexible Schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, BELLA MATTHEW can be reached on (571) 272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

M. Luu



MATTHEW LUU
PRIMARY EXAMINER